

SCHEDULE 3

Amendment to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019

21.—(1) Schedule 29 (radio equipment) is amended as follows.

(2) For paragraph 2(2)(o) substitute—

“(o) for the definition of “importer” substitute—

“importer” means a person who—

(a) is established in the United Kingdom and places radio equipment from a country outside of the United Kingdom on the market; or

(b) is established in Northern Ireland and places radio equipment on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;”

(3) In paragraph 27, in the inserted text, after the inserted regulation 36B, insert—

“Expiry of regulations 36A and 36B

36C.—(1) Subject to paragraph (2), regulation 36A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 36A—

(a) any radio equipment which was placed on the market pursuant to regulation 36A may continue to be made available on the market on or after the expiry of regulation 36A;

(b) any obligation to which a person was subject under regulation 36A in respect of any radio equipment placed on the market pursuant to regulation 36A continues to have effect after the expiry of regulation 36A, in respect of that equipment.

Qualifying Northern Ireland Goods

36D.—(1) Where paragraph (2) applies radio equipment is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) radio equipment—

(i) is in conformity with Part 2, as that Part applies in Northern Ireland; and

(ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the product on the market, the importer—

(a) complies with regulation 23;

(b) ensures that—

(i) the relevant conformity assessment procedure has been carried out in relation to the product;

(ii) the manufacturer has drawn up the technical documentation; and

(iii) the product bears the CE marking;

(4) In this regulation—

“CE marking” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;
“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;
“relevant conformity assessment procedure” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;
“technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.”.

(4) In paragraph 34—

(a) for sub-paragraph (a) substitute—

“(a) for paragraph (1) substitute—

“(1) The UK marking must be affixed visibly, legibly and indelibly—

(a) to the radio equipment or to its data plate, unless that is not possible or not warranted on account of the radio equipment; or

(b) where paragraph (1A) applies—

(i) to a label affixed to the radio equipment or its data plate; or

(ii) to a document accompanying the radio equipment.””

(b) after sub-paragraph (a) insert—

“(aa) after paragraph (1) insert—

“(1A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the radio equipment or its data plate; or

(b) a document accompanying the radio equipment.”;

(ab) for paragraph (2) substitute—

“(2) The UK marking must be affixed visibly and legibly—

(a) to the radio equipment packaging; or

(b) where paragraph (2A) applies—

(i) to a label affixed to the radio equipment packaging; or

(ii) a document accompanying the radio equipment packaging.”

(ac) after paragraph (2) insert—

“(2A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the radio equipment packaging; or

(b) a document accompanying the radio equipment packaging.”;

(ad) in the heading and in paragraphs (3) to (5) for “CE” substitute “UK”;